

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEVIN STARKS,

Plaintiff,

v.

FPI MANAGEMENT, et al.,

Defendants.

No. 2:25-cv-01382-TLN-CKD

ORDER

Plaintiff Kevin Starks (“Plaintiff”) filed his initial complaint in the San Joaquin County Superior Court on March 25, 2025, against defendants FPI Management; Patmon Company, Inc.; Patmon Stonebrier; and I.Q. Data International, Inc. (ECF No. 1.) Defendant I.Q. Data International, Inc. removed this action on May 14, 2025. (ECF No. 1.) The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

Defendants FPI Management; Patmon company, Inc.; and Patmon Stonebrier filed a motion to dismiss (ECF No. 6), and Defendant I.Q. Data International, Inc. also filed a motion to dismiss (ECF No. 12). Plaintiff filed a motion to deny removal, which the Court construes as a motion for remand. (ECF No. 17.)

On July 9, 2025, the Magistrate Judge filed findings and recommendations (ECF No. 27), which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. No objections were filed and

1 the time to do so has passed.

2 The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602
3 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's conclusions of law are reviewed *de novo*.
4 *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the
5 magistrate judge are reviewed *de novo* by both the district court [the appellate] court[.]"). In
6 accordance with 28 U.S.C. § 636(b)(1)(C), this Court reviewed the file, the Court finds the
7 findings and recommendations are supported by the record and by the proper analysis. The Court
8 therefore concludes that it is appropriate to adopt the findings and recommendations in full.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. The findings and recommendations (ECF No. 27) are ADOPTED in full;
11 2. Plaintiff's motion to deny removal (ECF No. 17) is GRANTED;
12 3. Defendants FPI Management; Patmon Company, Inc.; and Patmon Stonebrier's
13 motion to dismiss (ECF No. 6) is DENIED without prejudice;
14 4. Defendant I.Q. Data International, Inc.'s motion to dismiss (ECF No. 12) is DENIED
15 without prejudice.

16 Date: September 9, 2025

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21 TROY L. NUNLEY
22 CHIEF UNITED STATES DISTRICT JUDGE
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